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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/948,530	10/09/1997	ALEC MIOSLAVSKY	P3253	7093

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AROMAS, CA 95004

EXAMINER

VU, HUY DUY

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
08/948,530

Applicant(s)

Miloslavky

Examiner

Huy D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Sep 28, 2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 6-9 and 14-16 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 6-9 and 14-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (of record) in view of Gottlieb (of record) or Lindeberg et al (of record). Andrew teaches an Internet Protocol Network Telephony call-routing system (see in figure 9) for routing incoming IPNT calls (from Internet callers 4 and 5) to agents (402-406) in an IPNT capable center (400), comprising an initial call-processing system (408) in the Internet for receiving calls from customers (410,412) in the Internet (408). Andrews differs from the claim in that Andrew does not teach the use of SCP processor in the call processing system in the Internet to route incoming calls based on agent status. However, such feature is well known in the art of telephony. For example, Gottlieb describes in details how a SCP processor (226) that routes incoming calls to appropriate operator/agent using operator/agent status (see col. 7, lines 36-63). In another prior art example, Lindeberg also teaches SCP processor 231 that routes incoming calls to appropriate operator/agent using operator/agent status (see figure 5; col. 11, lines 21-27) in a computer telephony integration (CTI) environment which is similar to Andrews' computer telephony integration environment. Gottlieb further teaches

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force management database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1). The use of SCP processor to route incoming calls to appropriate operator/agent using operator/agent status enhance call routing efficiency. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gottlieb's or Lindeberg's teaching of using a SCP processor to route incoming calls to appropriate operator/agent using operator/agent status in Andrew's system with the motivation being to enhance call routing efficiency.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (of record).

Regarding claims 14-16, Andrews teaches an Internet protocol network telephony system having a routing server (48 or 480) and database (54 or 476). The routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call. See figure 9, col. 11, lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center (claim 14) or located in the Internet (claim 16). However, one skilled in the art would have recognized that such remote location would have been desirable if the information is to be shared among different call centers or that the information is to be managed by a remote management site. If the call center fails, an independent remote site can still provide the information to other call center. Thus, it would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify Andrews' system to have the database located remotely from the call center with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center fails.

4. Applicant's arguments filed September 28, 2001 have been fully considered but they are not persuasive.

In response to Applicant's argument that the prior art fails to teach to include certain features of Applicant's invention, the limitation on which Applicant relies (i.e. the intelligent routing of the IPNT calls at the data network level), are not stated in the claims. Therefore, it is irrelevant whether the reference includes those feature or not.

In response to Applicant's argument that the combination of the prior art references fails to produce the connection of a database at the customer premises to a SCP processor, Examiner notes that Gottlieb clearly teaches force management database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1).

In response to Applicant's argument that the combination of the prior art references (Andrews in view of Linderberg; or Andrews in view of Gottlieb) would fails because there is no component capable of controlling a router in the Internet, it is, first of all, noted that the limitation on which Applicant relies (i.e. no component capable of controlling a router in the Internet), are not stated in the claims. Therefore, it is irrelevant whether the reference includes those feature or not. Secondly,

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it is further noted that not only the Internet inherently has plurality of routers, but also that every router has to be controlled by a controlling unit which can be inside or outside of the router.

On page 6 of the remarks in the last paragraph, Applicant argues that claim 14 recites and the prior art fails to teach a database at the customer premises. Examiner notes that the limitation on which Applicant relies (i.e. a database at the customer premises), are not stated in the claims. Therefore, it is irrelevant whether the reference includes those feature or not. Claim 14 recites a database connected to an Internet routing server receiving and storing processed information about transactions in the call center, ... etc. No where in claim 14 one can find the alleged limitation of a database at the customer premises. Applicant further argues that database 54 of the prior art is not connected to the routing server, Applicant's attention is directed to figure 2 which unmistakably shows that database 54 is connected to the routing server 48. Figure 10 which applicant relies on also shows that database 476 is connected to the routing server 480.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

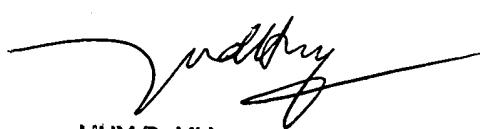
(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday and Thursday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Mondays, Wednesdays and Fridays from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



HUY D. VU  
PRIMARY EXAMINER